

**TOWN OF DAVIE  
REGULAR MEETING  
OCTOBER 15, 2003**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:35 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Truex, Vice-Mayor Starkey, Councilmembers Crowley and Hubert. Also present were Town Administrator Willi, Town Attorney Kiar, and Assistant Town Clerk McDaniel recording the meeting. Councilmember Paul was absent.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to excuse Councilmember Paul. In a voice vote, all voted in favor with Councilmember Paul being absent. (Motion carried 4-0)

**3. PRESENTATIONS**

**3.1. Representative Mike Davis**

Representative Davis thanked Council for its hospitality and stated it was his first visit to the Town. He introduced Lynn Burke, from his Pembroke Pines city office and Roy Neal, his legislative assistant. Representative Davis announced his position as chair of the local Government Affairs Committee and advised that he was looking forward to the challenge of this new position. He promised to visit the Town more.

Mayor Truex asked about legislative issues for the upcoming year. Representative Davis stated that he would be meeting with the incoming chair of the Broward Delegation, Ken Gottlieb, to look at various areas in the midst of annexation issues. He explained that one of Mr. Gottlieb's ideas was to focus on voluntary annexations in the next year and leave the rest alone. Representative Davis suggested that a year of respite might be in order, but asked for input from Council on how to approach this.

Vice-Mayor Starkey stated that the Town's position had always been to allow unincorporated areas the right to choose and to do a straw vote to get the temperament of the community. She reminded that another area to be careful about was the definition of enclaves and asked Representative Davis to keep certain issues in mind. Vice-Mayor Starkey thanked Representative Davis for his newsletter. Representative Davis agreed with Vice-Mayor Starkey that residents should have the right to choose and he would be paying attention to these issues.

Vice-Mayor Starkey voiced the Town's concern about the Everglades Restoration funding program and indicated that this was very important to follow up on this effort. She asked Representative Davis to keep up his work on this program. Representative Davis stated he was glad the State legislature fully funded the restoration this year.

**3.2. Broward County Property Appraiser's Office**

Rocky Rodriguez announced that homestead exemption applications would be accepted for the year 2004 at the Davie Town Hall on October 22nd, November 6th, and February 11th, and at the Davie Police Department on December 16th. He asked residents to file as early as possible to avoid long waiting periods and crowds. Mr. Rodriguez warned the attendees

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about scams related to homestead filing and asked attendees to contact his office if they receive applications asking for money. He thanked the staff for their support.

**3.3. Fire Prevention Week - Chief Don DiPetrillo**

Chief DiPetrillo stated that this was the seventh year for Fire Prevention Week and advised that each year, elementary school students were invited to participate in the annual poster and essay contest. He announced that this year's theme was "When Fire Strikes, Get Out". Chief DiPetrillo presented awards to Burkehart Tractor, University Dodge, Maroone Toyota and Andrx Corporation for their support.

**3.4. Enterprise Village - Councilmember Judy Paul**

Mr. Willi read a statement for Councilmember Paul, requesting Council's support for the Free Enterprise Institute Junior Achievement endeavors for Broward County schools.

Melissa Aiello, President of Junior Achievement of South Florida, spoke about the Enterprise Village programs and discussed their goal to build a facility in Davie. She explained that Junior Achievement recently won the right to replicate two programs, Enterprise Village (for 5th graders) and Finance Park (for 8th graders), which required a \$9.5 million fund raising campaign. Ms. Aiello indicated that they would need a 60,000 square foot facility and up to four acres. She stated that possible options for available land included Nova Southeastern University, Broward Community College and the City of Deerfield Beach. Ms. Aiello asked Council to consider researching possibilities that might exist for housing these programs in Davie.

**3.5. Dickey Consulting (Runway Improvements)**

Cheryl Dickey stated that she was working with Broward County's Aviation Department on the maintenance overlay project for the Fort Lauderdale-Hollywood International Airport. She advised that due to upcoming maintenance of main runways, flight patterns would be changed, causing some residents to experience more flights going over their homes. Ms. Dickey indicated that the project was currently in the design phase and that construction would not begin until September 2004. She displayed plans describing the project and indicated that she would return in January-March 2004, to discuss incentive packages for residents to leave their homes, during the period when more flights would be going over their homes.

Don Thompkins, project engineer, provided a PowerPoint presentation, explaining the project and how it would impact air traffic patterns over the area. He explained that this project would include a new technology system called the Engineered Material Arresting Systems (EMAS), a device that would safely bring in an aircraft that might overrun the runway over I-95. Mr. Thompkins invited Council to ask questions of any members of the Broward Aviation staff present.

Mayor Truex asked if there would be less air traffic over Davie. Mark Wolf agreed. Vice-Mayor Starkey stated that it was important that EMAS was a construction safety feature that the FAA required, but that it was not factored into the South runway configuration.

Dianna Lewis, Director of Planning and Development for the airport, explained that the easterly end of the runway had the 1,000-foot safety area required by the FAA, so the EMAS would not be needed on that side. She explained that the westerly side was shorter and that the

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FAA may be willing to work with the County to include this system or an alternative for the South runway.

Vice-Mayor Starkey pointed out that the South runway should not have less safety features built in. Ms. Lewis stated that the FAA wanted every issue related to this runway to be addressed so it could meet the highest standards.

Jim Futch, Chair of Town's Airport Advisory Board, advised that the Board had unanimously voted for Option A+, which accomplished goals in a shorter time. He indicated that there would be no expansion until such time when the 10-year plan was revised.

Mr. Futch also voiced his dissatisfaction with an article recently published in the Sun-Sentinel and Miami Herald, written by Mitch Topal, which was in direct conflict with the Town Council's 2002 resolution and with the Board. Mr. Futch suggested that Council and the Board consider whether Mr. Topal should resign from the Board, as his comments were inconsistent with everyone's shared goal. He thanked the Board for its efforts.

Vice-Mayor Starkey stated that she wanted to see an efficient airport without the traveling public being inconvenience.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, that Council approves Option A+, in accordance with the Airport Advisory Board. In a voice vote, all voted in favor with Councilmember Paul being absent. (Motion carried 4-0)

Vice-Mayor Starkey indicated that while she believed everyone was entitled to their opinion, she did not support Mitch Topal's articles and his interpretation put Council in an awkward position. She hoped that Mr. Topal would consider resigning or that Council would consider removing and replacing him with someone who would be consistent with representing the Town's residents.

Jeff Bobb, Rising Stars Tournament Director, announced that the Rising Stars Tournament would be held October 23rd - 26th. He thanked Council for its support and invited Council to attend a complimentary prime rib dinner on October 25th, where a pitching machine would be presented to Davie's girl softball team.

Geri Clark, President of the Davie Police Athletic League (PAL), thanked Councilmember Hubert for her continued support of PAL. She provided a brief synopsis of recent accomplishments, efforts and upcoming events of PAL.

Mayor Truex invited Ms. Clark to make a standard presentation to Council at the second meeting of every even-numbered month.

Mayor Truex advised that staff requested that item 4.5 be tabled to November 5, 2003.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to table. In a voice vote, all voted in favor with Councilmember Paul being absent. (Motion carried 4-0)

Mayor Truex advised that staff requested that item 4.13 be withdrawn.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to withdraw. In a voice vote, all voted in favor with Councilmember Paul being absent. (Motion carried 4-0)

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Mayor Truex advised that staff requested that item 4.25 be added to the agenda.

Vice-Mayor Starkey made a motion to add, seconded by Councilmember Crowley. In a voice vote, all voted in favor with Councilmember Paul being absent. (Motion carried 4-0)

Mayor Truex advised that staff requested that item 4.6 be tabled to November 5, 2003.

Councilmember Crowley made a motion, seconded by Mayor Truex, to table. In a voice vote, all voted in favor with Councilmember Paul being absent. (Motion carried 4-0)

**4. APPROVAL OF CONSENT AGENDA**

*Minutes*

- 4.1. August 20, 2003 - Regular Meeting
- 4.2. September 3, 2003 - Regular Meeting

*Home Occupational Licenses*

- 4.3. Florida Steel Erectors, Inc., 14820 SW 27 Street
- 4.4. Richard Buell, 13831 SW 16 Street

*Resolutions*

- 4.5. **STAFF REQUESTING A TABLING TO NOVEMBER 5, 2003**  
AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A THREE YEAR LEASE AGREEMENT WITH GE CAPITAL TO PROVIDE THE TOWN WITH A NEW TELEPHONE SYSTEM AND A MAINTENANCE CONTRACT WITH TELESWITCH TECHNOLOGIES, INC. (\$288,882.67) (tabled from September 17, 2003)
- 4.6. **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING AN ANNEXATION AGREEMENT BETWEEN THE TOWN OF DAVIE AND JOLMY ENTERPRISES, INC. AND PROVIDING AN EFFECTIVE DATE. (tabled from October 1, 2003)
- 4.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ENTERING INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND GRANDe CONSULTING INC., TO REPRESENT THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES. (up to \$36,000)  
R-2003-255
- 4.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN TO RETAIN THE LEGAL SERVICES OF BECKER & POLIAKOFF, P.A. AND PROVIDING AN EFFECTIVE DATE.

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- 4.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-256 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN FLORIDA GOLF MANAGEMENT INC., D/B/A GRANDE OAKS GOLF CLUB, A FLORIDA CORPORATION AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE.
- 4.10. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING  
R-2003-257 THE BIDS FOR ATHLETIC EQUIPMENT. (lowest bidder for primary and secondary sources - \$70,000/year)
- 4.11. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING  
R-2003-258 THE BID FOR CONSTRUCTION OF A PARKING LOT AT GESSNER SPORTS COMPLEX. (Florida Blacktop, Inc. - \$32,835)
- 4.12. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING  
R-2003-259 THE BID AWARDED BY THE STATE OF FLORIDA AND THE FLORIDA SHERIFF'S ASSOCIATION FOR AUTOMOBILES AND TRUCKS. (not to exceed \$1,200,000)
- 4.13. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING  
THE BID FOR CONSTRUCTION OF A CONCESSION BUILDING AT NOVA HIGH SCHOOL STADIUM. (The Redland Company, Inc - \$230,886)
- 4.14. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING  
R-2003-260 THE BIDS FOR PRINTING AND MAILING THE DAVIE UPDATE. (Miami Offset and Gilmore Associates, Inc. - \$40,218/year)
- 4.15. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A  
R-2003-261 SUBDIVISION PLAT KNOWN AS A.D. HIATUS AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 3-4-03, A.D. Hiatus, 1535 SW 112 Avenue) *Planning and Zoning Board recommended approval based on the report from Broward County on the right-of-way*
- 4.16. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A  
R-2003-262 PLAT KNOWN AS RANCHO ALEGRE AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 10-1-02, Sharon Gardens, 2801 SW 148 Avenue) *Planning and Zoning Board recommended denial*

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- 4.17. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A  
R-2003-263 SUBDIVISION PLAT KNOWN AS PINE MEADOW ESTATES II AND  
AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE  
SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE  
TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 10-  
2-02, Pine Meadows Estates II, 2255 SW 136 Avenue) *Planning and Zoning Board  
recommended approval*
- 4.18. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-264 AUTHORIZING THE APPLICATION FOR A GRANT FROM THE ESRI AND  
TRIMBLE GOVERNMENT MOBILITY PROGRAM; AND IF AWARDED THE  
GRANT, AUTHORIZING ITS ACCEPTANCE AND EXECUTION, AND  
PROVIDING FOR AN EFFECTIVE DATE. (no match required)
- 4.19. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-265 AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A  
UTILITY EASEMENT FOR ELECTRICAL SERVICE LINES FOR THE "RICK  
AND RITA CASE BOYS AND GIRLS CLUB AT DRIFTWOOD ESTATES";  
PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE  
DATE. (7525 NW 33 Street)

*Site Plans*

- 4.20. SP 6-1-03, Auto Recovery Service Inc., 3290 SW 50 Avenue (M-3) *Site Plan  
Committee recommended approval subject to staff's comments in the planning report;  
subject to engineering staff reviewing the handicapped spacing and verifying the five-foot  
verses the 96 inch walkway; that the applicant would go ahead and stripe the  
"accessibility" as requested if required by Engineering; and that the paving, drainage and  
grading plan would be acceptable to the Engineering Division*
- 4.21. SP 7-9-03, The Heritage Building, 5220 Davie Road (RO) *Site Plan Committee  
recommended approval subject to the staff report and the recommended changes with  
regard to the garbage enclosure area*

*Colocation of Antennas*

- 4.22. BP 03-4846, AT &T Wireless Services/Wireless Facilities Incorporated, 6911  
Orange Drive

*Temporary Use Permits*

- 4.23. TU 9-1-03, St. Bonaventure Church, 1301 SW 136 Avenue (family festival)
- 4.24. TU 9-3-03, Davie United Methodist Church, 6500 SW 47 Street (pumpkin sales)
- Vice-Mayor Starkey requested that item 4.25 be removed from the Consent Agenda.  
Mayor Truex requested that items 4.7, 4.8 and 4.21 be removed.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to approve  
the Consent Agenda without items 4.7, 4.8, 4.21 and 4.25. In a voice vote, all voted in favor with  
Councilmember Paul being absent. (Motion carried 4-0)

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**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.25 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING CONTINUED EFFORTS TO QUANTIFY POSSIBLE AMOUNTS OF ADDITIONAL WATER AVAILABLE IN THE BISCAYNE AQUIFER AND SUPPORTING OPTIMIZING THE BENEFICIAL USES OF THE BISCAYNE AQUIFER TO THE EXTENT THAT WITHDRAWALS DO NOT HARM THE EVERGLADES OR OTHER NATURAL SYSTEMS.

Vice-Mayor Starkey explained the resolution and advised that there would be a Davie Water and Environmental Advisory Board meeting on October 16th. Councilmember Crowley voiced his full support of the water resource plan.

Mayor Truex asked why it was considered a good thing to suck more water out of the aquifer. Vice-Mayor Starkey explained that it was necessary because of the salt water intrusion and pollution coming in from the east. Assistant Town Administrator Ken Cohen explained that it was a matter of how much water was taken out without doing harm to the water. Vice-Mayor Starkey added that it was a tool used to measure exactly how much water was being consumed to regulate this.

Councilmember Crowley made a motion to approve, seconded by Vice-Mayor Starkey. In a voice vote, all voted in favor with Councilmember Paul being absent. (Motion carried 4-0)

4.7 Mayor Truex explained his position on this item and indicated that there were currently two consultants and felt that two was one too many. He voiced his approval on the job Mr. Ericks and Mr. Sigerson did lobbying for the Town and indicated that he was not in favor of continuing the contract with Grande Consulting. Mayor Truex hoped Council would support him to retain one lobbyist, Ericks Consulting.

Councilmember Hubert asked if they got paid only when they worked. Mayor Truex explained he thought it was hourly and that Grande worked on the annexation issues, while Ericks and Sigerson worked on all other issues.

Mr. Willi stated that Grande did mostly local school board and annexation issues, while Ericks and Sigerson worked on issues at the State level. Mayor Truex indicated that he had asked Mr. Sigerson who indicated that he could accommodate the Town.

Councilmember Crowley indicated that he had spoken to Mr. Grande several times a month, and always found him available. He stated that he heard from Mr. Grande more than from any other consultants and would be in favor of continuing to use his services.

Vice-Mayor Starkey stated that she thought Mr. Grande was a responsive individual and he did a phenomenal job for the taxpayer's money. She stated that the contract needed to be revised so that reports were made directly to Council and the Town Administrator. Vice-Mayor Starkey explained she would like to curtail a lot of the Town's lobbying expenses and place a cap on them. She was in favor of supporting the resolution for Grande Consulting and Ericks Consulting but felt that two consultants were enough.

Vice-Mayor Starkey made a motion to approve, seconded by Councilmember Hubert, with the exception of adding to the contract, the words "and the Town Council". In a voice vote, all voted in favor with Mayor Truex dissenting and Councilmember Paul being absent. (Motion carried 3-1)

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4.8 Mayor Truex stated that he would prefer different choices in law firms. Mr. Willi explained that this issue began with Council approval seven months ago and this firm had expended months of work to date.

Vice-Mayor Starkey stated that she had not heard from a consultant yet and wanted to know what was going on. Mr. Willi explained that due to the sensitive nature of this type of litigation, there was not much correspondence generated. He advised that he would have the attorneys call Vice-Mayor Starkey with an update.

Councilmember Hubert stated that she thought Mr. Kiar was exempt from this issue. Vice-Mayor Starkey explained that Mr. Kiar was not the attorney on record but as attorney for the Town, he had legal obligations to advise Council on these matters and should know what was going on. Mayor Truex asked Mr. Kiar if there was a conflict of interest on this matter. Mr. Kiar stated that this was not his area of specialty. He stated that when he became Town Attorney, he decided to refrain from any relationship with the proposed truck stop, so there would not even be the appearance of a conflict. Vice-Mayor Starkey stated even though the Town had retained an outside attorney, she felt that Mr. Kiar should be involved in dialogue concerning litigation issues where the Town was concerned, since money had been paid to the outside attorney.

Mayor Truex stated that he would also like to be updated before moving forward.

Mr. Kiar explained that since the law firm of Becker and Poliakoff had been retained and in light of the type of case involved, Council may wish to ask for an executive session. Mr. Willi explained that if litigation was imminent, Council could have an executive session but he would have to check on the exact dates. Mayor Truex asked that Council scheduled an executive session.

Councilmember Hubert pointed out that she asked Mr. Willi and Mr. Cohen every few weeks what was going on and stated that the issue should have been resolved.

Vice-Mayor Starkey requested an update and a report on the expenses paid to date. Mr. Willi stated he did not have the figures but there would be a resolution for the November 5th meeting that would set this case in motion. He stated that time was of the essence to get this resolution together for the next meeting. Mr. Willi explained that the Town made the commitment to this matter and it was not time to get cold feet.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Vice-Mayor Starkey - no; Mayor Truex - no; Councilmember Crowley - yes; Councilmember Hubert - yes. (Motion tied 2-2; item automatically tabled to November 5, 2003)

4.21 Planning and Zoning Manager Fernando Leiva indicated that the petitioner had made contact with Waste Management and had been able to work out an agreement.

Christina Rodriguez, the petitioner, explained the agreement she made with Waste Management and indicated that Waste Management required her to obtain a letter from the Council.

Mayor Truex asked if there would be a dumpster on the proposed site. Ms. Rodriguez indicated that there would be a 92-gallon can but no dumpster. Mr. Leiva indicated that to his knowledge Waste Management was amenable to picking up trash from the 92-gallon can.



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Councilmember Hubert made a motion to approve, seconded by Vice-Mayor Starkey, subject to Site Plan Committee and staff recommendations. In a voice vote, all voted in favor with Councilmember Paul being absent. (Motion carried 4-0)

**6. PUBLIC HEARING**

*Ordinances - Second and Final Reading*

- 6.1. **FEE SCHEDULE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**  
2003-42 **AMENDING THE CURRENT FEE SCHEDULES FOR THE DEVELOPMENT SERVICES DEPARTMENT INCLUDING THE PLANNING AND ZONING DIVISION, BUILDING DEPARTMENT, AND ENGINEERING DEPARTMENT OF THE TOWN OF DAVIE BY ADDING APPLICATION AND SUPPLEMENTAL REVIEW FEES FOR WIRELESS COMMUNICATIONS FACILITIES; BUILDING PERMIT FEES; LANDSCAPING PERMIT FEES; AND ENGINEERING PERMIT FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading September 17, 2003 - all voted in favor}**

Assistant Town Clerk McDaniel read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Starkey made a motion to approve, seconded by Councilmember Crowley. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - out of the room; Councilmember Paul - absent. (Motion carried 3-0)

- 6.2. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**  
2003-43 **FLORIDA REPEALING INTERIM REGULATIONS ORDINANCE NO. 2002-27 WIRELESS COMMUNICATIONS FACILITIES, PROVIDING FOR A HIERARCHY OF PREFERRED SITING ALTERNATIVES, CONTAINING PROVISIONS FOR EVALUATIONS OF SITING APPLICATIONS AND ADDING ARTICLE XV, ENTITLED "WIRELESS COMMUNICATIONS FACILITIES" PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading October 1, 2003 - all voted in favor}**

Assistant Town Clerk McDaniel read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Starkey made a motion to approve, seconded by Councilmember Crowley. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - absent. (Motion carried 4-0)

*Ordinance - First Reading (Second and Final Reading to be held November 5, 2003)*

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- 6.3. **HOBBY FARMS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA ESTABLISHING THE RIGHT OF RESIDENTS OF THE TOWN OF DAVIE TO MAINTAIN "HOBBY FARMS" WITHIN THOSE RESIDENTIAL AREAS OF THE TOWN OF DAVIE WHICH ARE PRESENTLY ZONED TO PERMIT AGRICULTURAL USES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

Assistant Town Clerk McDaniel read the ordinance by title. Mayor Truex advised that a public hearing would be held on November 5, 2003.

Mayor Truex opened the public hearing portion of the meeting.

Julie Aitken, 3801 Flamingo Road, spoke in favor and stated it was an important step in preserving the Town's rural character and equestrian lifestyle.

Fred Siegel, president of Broward County Farm Bureau, thanked the Town for considering the resolution and for its support.

Councilmember Crowley thanked Ms. Aitken for her hard work on this project. Vice-Mayor Starkey thanked Ms. Aitken and the Farm Bureau for their participation on this project.

Mayor Truex closed the public hearing.

Vice-Mayor Starkey made a motion to approve, seconded by Councilmember Hubert. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - absent. (Motion carried 4-0)

*Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held November 5, 2003)*

- 6.4. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 7-2-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-5, LOW MEDIUM DWELLING DISTRICT; TO AG, AGRICULTURAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-2-03, Lemons/Bolender, 1390 South Flamingo Drive) (tabled from October 1, 2003) *Planning and Zoning Board recommended approval***

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on November 5, 2003.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mr. Kiar read the rules of evidence and swore in two witnesses. Mr. Leiva summarized the rezoning request and explained the petitioner's plans for the site at issue. Development Services Director Mark Kutney stated that the rezoning would make underlying zoning into non-conformance.

Vice-Mayor Starkey asked if the Town would be able to initiate this with the petitioner so no cost would be incurred by the petitioner. Mr. Kutney indicated that the Town could, but that the petitioner was taking this action. Vice-Mayor Starkey suggested that the Town try to encourage the petitioner and assist with future administrative zoning.

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Charles Bolender, the petitioner, stated that he would be agreeable to the Town's recommendations. He thanked the Town for the opportunity to return to AG.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed. Mr. Kiar turned this portion of the public hearing over to the Council.

Vice-Mayor Starkey stated she had received some e-mails. She asked if Council approved, would it include conditions of partnership. Mr. Kiar advised that this was not necessary.

Tracy Lemons, the co-owner of the property at issue, stated that she was also agreeable. Mr. Kiar swore in Ms. Lemons who repeated her agreement.

Vice-Mayor Starkey made a motion to approve, seconded by Councilmember Crowley. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - absent. (Motion carried 4-0)

*Quasi Judicial Items*

- 6.5. **VARIANCE** - V 6-1-03, Bryant, 5641 Orange Drive (R-5) (to reduce the east side buffer from 10 feet to 9 feet 1 inch and the west side buffer from 10 feet to 9 feet and to reduce the parking spaces from 10 to 5) (tabled from October 1, 2003)  
*Planning and Zoning Board recommended approval*

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Leiva read the planning report.

Michael Bryant, the petitioner, provided a history of the property and stated that he wanted to restore the building which was damaged from a fire. He stated that he and his sister would abide by decisions of the staff.

Councilmember Hubert asked if it was possible to put businesses on the bottom and residences on top as it was before. Mr. Kutney indicated that a rezoning RO would be needed.

Mr. Bryant asked whether the site review process would remain only with staff and not come before the Council. Mr. Kutney indicated that the project would probably be taken to the Site Plan Committee. Vice-Mayor Starkey thought that it would be alright to go only to the Site Plan Committee.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley made a motion to approve, seconded by Councilmember Hubert. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - absent. (Motion carried 4-0)

- 6.6. **VARIANCE** - V 7-2-03, Cobb, 3820 SW 55 Avenue (R-5) (to reduce the north side setback from 10 feet to 3.67 feet for an addition to the existing single family home) (tabled for October 1, 2003) *Planning and Zoning Board recommended approval*

Mr. Kiar read the rules of evidence and swore in witnesses. Mr. Kutney summarized the planning report.

Ms. Cobb, the petitioner, explained the history of the property.

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Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert advised that she had spoken to the petitioner a few times.

Councilmember Hubert made a motion to approve, seconded by Councilmember Crowley. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - absent. (Motion carried 4-0)

- 6.7. **VARIANCE** - V 8-1-03, Rodriquez, 5220 Davie Road (RO) (to reduce the minimum 20 foot side setback from the property line to 10 feet and to reduce the minimum 10 feet perimeter landscape buffer to 4 feet and 1 foot along portions of southern property line and 5 feet along the northern property line for proposed on-site parking) (tabled from October 1, 2003) *Planning and Zoning Board recommended approval*

Earlier in the meeting, Mr. Kiar read the rules of evidence and swore in two witnesses. Mr. Leiva summarized the planning report.

Christina Rodriguez, the petitioner, reported on the ongoing design issues concerning the project and the property.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - absent. (Motion carried 4-0)

**7. APPOINTMENTS**

No appointments were made.

- 7.1. Child Safety Board (one exclusive appointment - Vice-Mayor Starkey and Mayor Truex; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)
- 7.2. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Starkey; term expires April 2004)
- 7.3. Senior Citizen Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004) (members shall be a minimum 60 years of age)
- 7.4. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004) (insofar as possible, one member of the board shall be a licensed engineer)

**8. OLD BUSINESS**

There was no old business discussed.

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**9. NEW BUSINESS**

There was no new business discussed.

**10. MAYOR/COUNCILMEMBER'S COMMENTS  
VICE-MAYOR STARKEY**

**SCHOOL SITE SELECTION ADVISORY BOARD.** Vice-Mayor Starkey discussed the interlocal agreement between the Town and the Broward County School Board and advised that it was critical to designate a member to attend the site selection advisory board meeting the following day.

Mr. Willi indicated that if a Councilmember would like to take up the cause, he had supporting documentation. Vice-Mayor Starkey was selected as the member.

**WETLANDS.** Vice-Mayor Starkey indicated that the Town had moved closer to negotiations for the 115 acre wetland parcel. She voiced her appreciation for the Council's support.

**STORE FRONT HOUSES OF WORSHIP.** Mayor Truex asked whether the store front houses of worship issue would be at the upcoming meeting. Mr. Kutney responded that due to advertising requirements, it would not be on the agenda but he believed it would go to the Local Planning Agency the following week.

**HAPPY BIRTHDAY.** Vice-Mayor Starkey wished a happy birthday to her son Tommy.

**11. TOWN ADMINISTRATOR'S COMMENTS**

**HAPPY BIRTHDAY.** Mr. Willi wished a happy birthday to Police Chief John George.

**12. TOWN ATTORNEY'S COMMENTS**

**HAPPY BIRTHDAY.** Mr. Kiar wished a happy birthday to his son Mark.

**47TH AVENUE ASSESSMENT.** Mr. Kiar discussed the Town's efforts on the 47th Avenue road assessment and indicated that Jack Johnson had offered \$8,000 to settle his assessment. Mr. Kiar ~~thought~~ advised that the principal amount and interest was slightly more than the offer and indicated that the Town could vote on this issue at the next meeting. Mr. Willi suggested discussing it at the next meeting.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting adjourned at 11:40 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk

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